

**Amendments to the Drawings:**

The attached replacement sheets include changes to Figures 2 and 3. A label designating what is shown in Figures 2 and 3 as prior art has been added. In Figures 2 and 3, reference character 20 designating the acoustic transducer has also been added. Additionally, in Figure 3, reference character “22” has been changed to “25.”

Attachment: 2 Replacement Sheets

### **REMARKS**

This preceding amendments and following remarks are responsive to the Office Action mailed on November 18, 2008. In the Office Action, claims 1-7, 9-12, 15 and 29-38 were rejected. By this Amendment, claims 1, 2, 11, 29, 33 and 38 are amended, and claims 4-6, 8, and 35-37 are canceled without prejudice. Applicants reserve the right to prosecute the cancelled claims at a later date. Claims 13, 14, 22 and 27 were previously cancelled. Claims 16-21, 23-26, 28 and 39-43 are currently withdrawn. Claims 1-7, 9-12, 15-21, 23-26 and 28-43 are currently pending in the application. No new matter has been presented with this Amendment.

### **Interview Summary**

The applicant thanks Examiner Campbell for her participation in a telephone interview on Feb. 3, 2009 with Catherine Spolar and James Rodgers. Proposed amendments to the independent claims in view of the cited patents were discussed during the interview. No agreement was reached.

### **Restriction Requirement**

Applicants affirm the election of Group I (claims 1-7, 9-12, 15, and 29-38), without traverse.

### **Amendments to the Drawings**

The Office Action states that Figures 2-3 of the drawings should be designated by a "prior art" legend. In addition, the drawings were objected to under 37 C.F.R. § 1.84(p)(4) because reference character "22" has been used to designate both the "cell member" and the "anode."

With this Amendment, Figures 2 and 3 of the drawings have been amended to include a legend. Furthermore, reference character "22" in Figure 3 has been changed to "25." It is respectfully submitted that these changes overcome the objections to the drawings. No new matter has been added as a result of these amendments.

### **Amendments to the Specification**

The specification has been amended as set-forth above in the “Amendments to the Specification” section to address the trademark usage objections raised in the Office Action.

### **Claim Objections**

In the Office Action, claim 2 was objected to because of several noted informalities. In response, claim 2 has been amended in the manner suggested in the Office Action, thus overcoming the objection to this claim.

### **Rejections Under 35 U.S.C. § 103**

Claims 1-5, 7, 9-12, 15, 29-36 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,797,898 (“*Santini*”) in view of U.S. Patent No. 5,488,954 (“*Sleva*”). In addition, claims 6 and 37 were further rejected under 35 U.S.C. § 103(a) as being unpatentable over *Santini* and *Sleva* in further view of U.S. Patent No. 3,536,836 (“*Pfeiffer*”).

Without acquiescing to these rejections, and in order to expedite prosecution of the application, claims 1, 2, 11, 29, 33, and 38 have been amended, and claims 4-6, 8, and 35-37 have been cancelled. Applicant expressly reserve all rights with respect to the originally-filed claims, including the right to pursue them in future continuation applications.

Specifically, independent claims 1, 29, and 38 have been amended to include an acoustic switch. As recited by these claims, and as shown, for example in Figure 6 of the Application, the acoustic switch is coupled between the acoustic transducer and an energy storage device. The acoustic switch is configured to actuate the electrical circuit between a passive or “sleep” mode in which the current is limited from flowing from the energy storage device to the electrical circuit, and an active mode that allows current to flow from the energy storage device to the electrical circuit. In the active mode, current flows from the energy storage device to the electrical circuit leading to barrier permeabilization and subsequent release of the molecules from the at least one reservoir provided in the device.

The cited references fail to disclose, teach, or suggest each and every element required by amended claims 1, 29, and 38. As acknowledged in the Office Action, neither *Santini* nor *Sleva* teach, or suggest a device including an acoustic switch, as recited by amended claims 1, 29 and 38.

*Pfeiffer* discloses an acoustically actuated switch capable of adapting its threshold level to the environmental ambient noise level. As shown in Figure 1, for example, the acoustic switch includes a microphone (10) connected between the base and emitter of a transistor (11), a load resistor (13), and a battery (12) connected in series with the collector and emitter of the transistor (11). As can be clearly seen in Figure 1 of *Pfeiffer*, the acoustic switch is actively powered and continuously consumes energy from the battery. A switching device (14) coupled to the transistor (11) and the battery (12) is triggered in response to a short acoustic pulse. As disclosed at col. 6, lines 26-33 of *Pfeiffer*, the switching device (14) may comprise a flip-flop circuit, one or more silicon controlled rectifiers, or a relay and relay control circuitry.

Nothing in *Pfeiffer* discloses, teaches, or suggest an acoustic switch configured to actuate an electrical circuit between a passive mode in which current is limited from flowing from an energy storage device to the electrical circuit, and an active mode that allows current to flow from the energy storage device to the electrical circuit. In *Pfeiffer*, the battery (12) continually provides power to the electrical components of the switch, including the switching element (14). In such case, the on-off state of the transistor (11) in response to an acoustic burst does not alter whether or not current is provided from the battery (12) to the circuitry. To the contrary, the state of the switching element (14) in *Pfeiffer* would continually require energy from the battery (12), thus teaching away from operating the circuitry in a passive mode in which current is limited from flowing from the battery (12) to the circuitry, as required by amended claims 1, 29, and 38.

Consequently, the *Santini*, *Sleva*, and *Pfeiffer* patents fail to disclose, teach, or suggest each and every element of amended claims 1, 29, and 38. As such, amended claims 1, 29 and 38 are patentable over these patents. In addition, claims 2-3, 7, 9-12, 15-21, 23-26, 28, 30-34, and 39-43, which depend either directly or indirectly from amended claims 1, 29, and 38, are also patentable over these patents for at least the same reasons as to claims 1, 29,

and 38. Reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 is thus respectfully requested.

### **Conclusion**

For the reasons explained above, all pending claims are now in condition for allowance. Accordingly, the applicant respectfully requests that the Office issue a Notice of Allowance.

Any amendments to the claims are made to expedite prosecution of this application, without acquiescing to the Office's rejections or characterizations of the claims or references in the Office Action. Any claim amendments not specifically discussed or explained in the above remarks are not made for patentability purposes, and these claims would satisfy the statutory requirements for patentability without these amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, or to reduce the time and effort required of those skilled in the art to clearly understand the scope of the claim language. Even if not expressly discussed above, the applicant respectfully traverses each of the rejections, assertions, and characterizations regarding the disclosure and teachings of the cited references, including the prior art status and the propriety of proposed combinations of cited references.

The applicant has made a good faith effort to respond to all rejections set forth in the Office Action and to place the pending claims in condition for immediate allowance. If the Examiner has any questions or comments, the Examiner is requested to contact the undersigned at 612/766-8245.

Respectfully submitted,

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